

**Notice of Allowability**

Application No.

09/680,817

Examiner

Stephen F. Gerrity

Applicant(s)

PONTAN ET AL.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 23 February 2006.
2. ☒ The allowed claim(s) is/are 23-26 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Lawrence Nawrocki (applicant's attorney) on 10 May 2006.

3. The application has been amended as follows:

**In the title of the invention:**

Amend the title of the invention to read as follows:

METHOD OF RECONFIGURING A FLEXIBLE PLANAR ITEM TO A  
SIMULATED CHARACTER

**In the claims:**

Amend claims 23 and 28 as follows:

23. The method of creating a character according to Claim 28, wherein said step of providing an item which is flexible and which is configurable ~~to define a surface which is generally flat~~ includes:

providing an item having first and second surfaces ~~and at least first, second and third edges~~, and wherein at least one of said features is portrayed on said first surface.

28. A method of creating a character, said character having a head and a body, comprising the steps of:

providing an item which is flexible, said item having at least first, second and third edges, and said item is configurable between first and second configurations and, when in said first configuration, defines a surface which is generally planar;

portraying at a location on the surface, proximate a said first edge thereof, a first feature of a said character, and portraying on the surface a second feature of a said character, ~~said features giving no suggestion of a complete character when said item is in said first configuration;~~ and

manipulating the item from said first configuration to said second configuration by overlapping a first portion of the item onto ~~another~~ a second portion thereof in a direction toward said first edge and overlapping a third portion of said item onto a fourth portion of said item in a direction generally from the second edge to said third edge, wherein, when the item is in the first configuration, it the item serves a blanket function, and, when it the item is in the second configuration, it the item ~~gives context to~~ takes on the appearance of the ~~a complete~~ character by simulating the head and a body of the character with the first and second features positioned appropriately with respect to the ~~simulated body formed by the item to suggest the~~ head of the character ~~character's~~ head.

**Explanation for Examiner's Amendment and Reasons for Allowance**

4. The following is an explanation for the examiner's amendment and an examiner's statement of reasons for allowance:

Claim 28 has been amended to delete language which was deemed to be directed to new matter -- "said features giving no suggestion of a complete character when said item is in said first configuration" and "gives context to a complete character". Claim 28 has also been amended to include the language "the item takes on the appearance of the character by simulating the head and body of the character with the first and second features positioned appropriately with respect to the body to suggest the head of the character" to distinct and particularly point out the invention.

Additionally, claim 28 has been amended to define that the item has first, second and third edges, and that the manipulating step includes overlapping a first portion of the item onto a second portion thereof in a direction toward said first edge and overlapping a third portion of said item onto a fourth portion of said item in a direction generally from the second edge to said third edge. These amendments have been made in order for the claimed subject matter of claims 28 and dependent claims 23-26 to define over the prior art. In particular, the amended claim 28 now defines over the Holt (1,819,295), Guglielmi (1,575,263), and Mills (4,739,529) patents, as well as the other prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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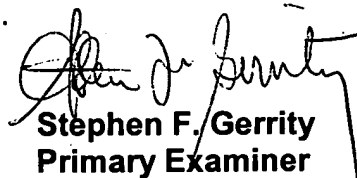
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Stephen F. Gerrity**  
**Primary Examiner**  
**Art Unit 3721**

11 May 2006